



An
Bord
Pleanála

Inspector's Addendum Report

ABP-314895-22

Development	Construction of house, wastewater treatment plant, polishing filter, and all associated site works.
Location	An Aird Mhóir, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2260774
Applicant	Shibeal O' Flaherty
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Shibeal O' Flaherty
Observer(s)	None
Date of Site Inspection	5 th April 2023
Inspector	Ian Campbell

1.0 Introduction

- 1.1. This report is an addendum report to the Inspector's report in respect of ABP-314895-22 (dated 19th September 2023).
- 1.2. On 26th October 2023 the Board decided to defer consideration of this case and to issue a Section 132 notice as follows:
 1. Having regard to the observed site conditions the Board has insufficient information to be satisfied that the site is capable of treating foul effluent arising from the dwelling and is not satisfied that the method of foul water disposal will render the treatment of the effluent acceptable and could increase the risk of serious water pollution. Accordingly, the Board require additional information to consider the application further.
 2. The Board is not satisfied that the proposed development would not endanger public safety by reason of traffic hazard because of the proposed sightlines in an easterly direction. Accordingly, the Board requests additional information to consider the application further.
- 1.3. The applicant responded within the prescribed period.
- 1.4. This report considers the submission made on foot of the request for further information.

2.0 Applicant's Response to the Board's Decision to Request Further Information

- 2.1. The applicant made the following points in their submission to the Board.

Re. Wastewater Treatment:

- The submission outlines;
 - the nature and extent of the proposal;
 - the regulatory context for domestic wastewater treatment systems in Ireland;
 - the relevant factors to be considered when designing a wastewater treatment system, and,
 - the steps in characterising the site, and relevant site assessment criteria.

- The submission states that the soil type on the site is Granite Till, which is characterised as being well drained, notes that the site is located above a poor aquifer and thus is rarely if ever used as a source of water, and notes that the vulnerability category for the site is 'extreme'.
- The submission notes that the site has a 'R21' Groundwater Protection Response and requires a depth of 0.9 metres of unsaturated soil and/or subsoil between the point of infiltration and the bedrock and the water table.
- In relation to the assessment of the site, the submission notes that the treatment system and percolation area are to be located on a gentle slope, requiring minimal earthworks, and that there is no evidence to suggest that water collects in this area.
- The submission notes that the proposal complies with Table 6.2 of the EPA CoP 2021 (minimum separation distances from DWWTS). The submission specifically notes that;
 - there are no wells in the vicinity of the site.
 - drainage ditches are present on the site and in the vicinity however none are within 10 metres of the proposed wastewater treatment system (as per the requirements of Table 6.2).
 - adjoining treatment systems are located in excess of 30 metres from the proposed wastewater treatment system (as per the requirements of Table 6.2).
- Elevated bedrock was encountered on the site (i.e. at 0.6 metres bgl).
- The colour and texture of the soil in the trial hole suggests that the soil is free draining.
- No mottling or preferential flow paths were observed in the trial holes.
- A percolation value of 31.56¹ was recorded on the site and the site is therefore deemed suitable for a tertiary treatment system and infiltration area as proposed.

¹ The Site Characterisation Form submitted with the planning application refers to a surface value of 34.61. Reference to a percolation value of 31.56 in the applicant's submission to the Board appears to be erroneous.

- The information gathered during the desk study and the on-site assessment has been used to design an appropriate wastewater treatment system for the site.
- The slope of the site is within an acceptable range. Minimum depths of unsaturated soil/subsoil are present on the site and percolation values of the soil/subsoil are within the acceptable ranges. The site has adequate hydraulic capacity to accommodate the waste water volumes generated by the proposal, the site has the attenuation capacity to treat wastewater from the proposal, and separation distances have been met and surpassed.

Re. Sightlines:

- Visibility was measured from a set-back of 2.4 metres from the edge of the carriageway, from a height of 1.2 metres above ground, and to the near edge of the carriageway (not the centre or far edge). Exit and entry visibility, and carriageway capacity, width, surface, condition and alignment were considered in the report.
- A full topographical survey was carried out and included the carriageway and boundaries.
- The boundaries of the site and adjoining properties have been verified using Land Direct.
- Sight splays are readily achievable. No sight splay crosses any third party lands.
- There is a clear and unobstructed visibility line of 143.57 metres in easterly direction.
- No roadside alterations and/or set-backs to existing boundary walls or fences are required to achieve and maintain the sightline in an easterly direction.
- Trees on the adjacent property (owned by the applicant's mother) may require future maintenance however a letter of consent in respect of this has been submitted.
- All requirements of the associated DM Standard and Table 15.3 Sight Distances are adhered to.

3.0 Assessment

3.1. Wastewater

- 3.1.1. In relation to the suitability of the site to cater for the treatment of effluent, I note that the applicant's submission generally reiterates the information contained in the Site Characterisation Form, and states that the soil type on the site is characterised as being well-drained and that there is no evidence of water collecting on the part of the site where the wastewater treatment system is proposed. The submission acknowledges that there are drainage ditches on the site and in the vicinity, but notes that these are minor and that the proposed wastewater treatment system will be located a sufficient distance from any ditch, in accordance with the minimum separation distances set out in the EPA CoP 2021.
- 3.1.2. Having reviewed the applicant's submission I am not satisfied that issues concerning the observed conditions on the site have been adequately addressed. As stated in my initial report I observed an abundance of rushes on the site during my site inspection, which is indicative of poorly drained soils/poor permeability. I also observed that ground conditions were wet underfoot, and not 'firm and dry' as stated in the Site Characterisation Form submitted with the planning application. There are drainage ditches on the site and in the vicinity. I note that a high density of streams or ditches tends to suggest either a shallow water table or that there is low-permeability subsoil. Additionally, rock outcrops are evident on the site which are suggestive of an insufficient depth of subsoil to treat waste water, with the trial hole results verifying this to be the case (i.e. elevated water table). In my opinion the applicant's submission does not sufficiently address these observed site conditions and on the basis of the foregoing, I am not satisfied based on my observations during my site inspection that the appeal site can cater for an on-site waste water treatment system without detriment to ground water and I recommend that permission is refused.
- 3.1.3. Whilst the applicant was not specifically requested to address the issue of the proliferation of wastewater treatment systems in the area I note that the applicant's submission states that the proposal complies with Table 6.2 of the EPA CoP 2021 in respect of separation distances, noting that there is in excess of 30 metres between the proposed wastewater treatment system and the closest wastewater treatment

system. Notwithstanding this however I refer the Board to the fact that there are c. 8 no. dwellings on individual wastewater treatment systems within 150 metres of the appeal site and as such my concerns on this matter remain.

3.2. Sightlines

- 3.2.1. In relation to sightlines, the applicant's submission indicates achievable sightlines of c. 144 metres in an easterly direction from the proposed access. The posted speed limit of the R340 at and east of the proposed access is 80 kmph. In accordance with DM Standard 28 (Table 15.3) of the Galway County Development Plan 2022 – 2028 sightlines of 160 metres are required for regional roads with a design speed of 85 kmph. The applicant's submission indicates that the achievable sightline to the east is c. 144 metres and therefore less than the required 160 metres. The proposal therefore does not accord with DM Standard 28 (Table 15.3) of the Galway County Development Plan 2022 - 2028.
- 3.2.2. In respect of the achievable sightline which has been demonstrated, the applicant's submission notes that the achievement and maintenance of the sightline to the east does not require alterations to existing boundaries and that no sight splay crosses any third party lands. From reviewing the sightline drawing submitted in the applicant's submission (*Drawing No. PP-101*) I note that the sightline aligns with the roadside boundary of the applicant's mother's site and also that of an adjoining site further east² (indicated as a dry stone wall). Whilst the applicant's submission notes that there is currently no impediment to the easterly sightline from roadside boundaries I note that the future maintenance of sightlines at this location cannot be guaranteed, as the adjacent landowner could erect a planted boundary or a wall/fence etc. along the roadside boundary thereby obstructing the sightline which the applicant's access relies on. No letter of consent has been provided in relation to the maintenance of this area free from obstructions and importantly as this area is not located within the red or blue line boundary of the application site a condition requiring this area to be maintained free from obstructions cannot be attached should the Board be minded to grant permission for the proposed development. In respect of the land east of the proposed

² The extent of the applicant's mother's landholding is indicated on Folio maps submitted with the initial planning application. The assertion in the submission that no sight splay crosses any third party lands is not accurate based on a comparison between the sightline drawing and Folio maps indicating the extent of the applicant's mother's landholding, with lands east of same clearly within the visibility envelope.

vehicle access which is within the applicant's mothers ownership, I note that this area is also not situated within the red or blue boundary of the site and therefore the maintenance of this sightline similarly cannot be conditioned in the event of a grant of permission.

- 3.2.3. On the basis of the forgoing I submit to the Board that sightlines do not comply with DM Standard 28 (Table 15.3) of the Galway County Development Plan). Furthermore the extent of sightline which has been indicated to the east is dependent on lands outside the red/blue line boundary and as such a condition requiring the maintenance of this visibility envelope in perpetuity cannot be conditioned.³

4.0 Recommendation

- 4.1. I refer to the previous Inspector's Report and recommendation dated 19th September 2023. Having regard to the additional submission received I conclude that the applicant has failed to adequately address the issues as raised by the Board in relation to the treatment of wastewater on the site and the issue of sightlines in an easterly direction. I therefore recommend that permission for the proposed development is refused.

5.0 Reasons and Considerations

1. Having regard to the observed site conditions, and notwithstanding the tertiary treatment proposed, the Board is not satisfied that the site is capable of treating foul effluent arising from the dwelling and considers that the method of foul water disposal will render the treatment of the effluent unacceptable and could increase the risk of serious water pollution. Additionally, the proposed development would result in an excessive concentration of development served by septic tanks and/or individual wastewater treatment systems in the area. Accordingly, the proposed development would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

³ As noted in my initial report, sightlines to the west require works to a third party boundary and whilst a letter of consent in respect of these works has been submitted with the planning application these lands are similarly not within the red or blue line boundary of the site and as such a condition requiring the maintenance of same cannot be conditioned in the event of a grant of permission.

2. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a road at a point where sightlines are restricted in an easterly direction.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ian Campbell
Planning Inspector

9th January 2024